

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WADDINGTON NORTH AMERICA, INC., : Civil Action No. 09-4883-GEB-MCA
:
Plaintiff, :
:
v. : Chief Judge Garrett E. Brown, Jr.
:
SABERT CORPORATION, :
:
Defendant. :

X

VERDICT FORM

1. Infringement

(a) Do you find that WNA has proven by a preponderance of the evidence that Sabert's metallized cutlery which uses stainless steel infringes claim 25 of reexamined US Patent No. 6,983,542?

YES (finding for WNA) _____

NO (finding for Sabert) ✓

(b) Do you find that WNA has proven by a preponderance of the evidence that Sabert's metallized cutlery which uses titanium infringes claim 25 of reexamined US Patent No. 6,983,542?

YES (finding for WNA) _____

NO (finding for Sabert) ✓

2. **Willfulness**

Do you find that WNA has proven by clear and convincing evidence that Sabert's infringement of any claim of reexamined US Patent No. 6,983,542 (including claims 1, 3, 12, 35, and 38, which were found to infringe before this trial) was willful?

YES (finding for WNA) _____

NO (finding for Sabert) ✓

3. Obviousness

Do you find that Sabert has proven by clear and convincing evidence that any of the following claims of reexamined US Patent No. 6,983,542 are invalid on the ground of obviousness?

- | | | | |
|-----|-----------|-----------------------------------|----------------------------------|
| (a) | Claim 1: | YES (finding for Sabert) <u>✓</u> | NO (finding for WNA) <u> </u> |
| (b) | Claim 3: | YES (finding for Sabert) <u>✓</u> | NO (finding for WNA) <u> </u> |
| (c) | Claim 12: | YES (finding for Sabert) <u>✓</u> | NO (finding for WNA) <u> </u> |
| (d) | Claim 25: | YES (finding for Sabert) <u>✓</u> | NO (finding for WNA) <u> </u> |
| (e) | Claim 35: | YES (finding for Sabert) <u>✓</u> | NO (finding for WNA) <u> </u> |
| (f) | Claim 38: | YES (finding for Sabert) <u>✓</u> | NO (finding for WNA) <u> </u> |

4. Written Description

Do you find that Sabert has proven by clear and convincing evidence that any of the following claims of reexamined US Patent No. 6,983,542 are invalid because the specification fails to satisfy the written description requirement?

- | | | | |
|-----|-----------|--------------------------------------|----------------------------------|
| (a) | Claim 1: | YES (finding for Sabert) <u>✓</u> | NO (finding for WNA) <u> </u> |
| (b) | Claim 3: | YES (finding for Sabert) <u> </u> | NO (finding for WNA) <u>✓</u> |
| (c) | Claim 12: | YES (finding for Sabert) <u> </u> | NO (finding for WNA) <u>✓</u> |
| (d) | Claim 25: | YES (finding for Sabert) <u>✓</u> | NO (finding for WNA) <u> </u> |
| (e) | Claim 35: | YES (finding for Sabert) <u> </u> | NO (finding for WNA) <u>✓</u> |

Unless you have found each of claims 1, 3, 12, 35, and 38 invalid either for obviousness (Question 3) or for lack of written description (Question 4) and claim 25 either not infringed (Question 1) or invalid for obviousness (Question 3) or lack of written description (Question 4), you must answer Question 5.

5. Damages

What total amount of damages has WNA shown by a preponderance of the evidence would be adequate to compensate WNA for Sabert's use of reexamined US Patent No. 6,983,542 from September 22, 2009, through November 30, 2010?

\$ N/A ~ \$0.00

Stop. You have completed your deliberations. The foreperson should sign and date below to indicate that the jury has reached a unanimous verdict on these questions and inform the security officer that you have completed your deliberations. Thank you.

4/6/11

Date